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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,158

06/29/2006

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EXAMINER

DEAN, RAYMOND S

ART UNIT

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2618

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,158	<b>Applicant(s)</b> KOWALEWSKI ET AL.	
	<b>Examiner</b> RAYMOND S. DEAN	<b>Art Unit</b> 2618	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/29/06</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 recites the limitation “configured as one of the participant communications devices of Claim 11 in lines 1 -2. There is insufficient antecedent basis for this limitation in the claim because Claim 22 does not depend from Claim 11.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 21 – 22 are rejected under 35 U.S.C. 102(e) as anticipated by Brems et al. (US 2005/0143135)

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Regarding Claim 21, Brems teaches a communications device authorized to receive for carrying out a survey of a plurality of participant communications devices, comprising a transmission unit for sending a response signal by sending, at least once, a specific request signal associated with the communications device to request an exclusive transmission right (Sections 0009 lines 8 – 12, 0062, the user that has control of the floor during the group call can talk about a myriad of subjects to the other members of the group, which renders a scenario wherein the user can ask the opinions of the other group members or ask the other group members to vote on a particular subject or issue thus effectively surveying said group members, in order for said group members to respond with their opinions or votes said members will need to request control of the floor).

Regarding Claim 22, Brems teaches all of the claimed limitations recited in Claim 21. Brems further teaches the communications device configured as one of the participant communications devices of claim 11 (Figure 33, the handsets are the communication devices).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 11 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brems et al. (US 2005/0143135) in Heinonen et al. (US 6,418,308)

Regarding Claim 11, Brems teaches a method for carrying out a survey of a plurality of participant communications devices, which comprises: assigning only a respective one of the communications devices an exclusive transmission right to transmit at least one useful message during a given authorization period, on a basis of a specific request signal of the one communication device (Sections 0009 lines 8 - 12, 0062, it is well established in the PTT art that in order to gain access to the floor there needs to be a request to gain access to the floor, when said request and access is granted the device that has control of the floor has the exclusive right to transmit and the other devices in the group are in listen mode, the user that has control of the floor during the group call can talk about a myriad of subjects to the other members of the group, which renders a scenario wherein the user can ask the opinions of the other group members or ask the other group members to vote on a particular subject or issue thus effectively surveying said group members) and assigning the other participant communications devices only a reception right to receive at least one useful message during the given authorization period (Sections 0009 lines 8 - 12, 0062, it is well established in the PTT art that in order to gain access to the floor there needs to be a request to gain access to the floor, when said request and access is granted the device that has control of the floor has the exclusive right to transmit and the other devices in the group are in listen mode); the respective participant communications device is enabled to provide a respective response signal to a survey by transmitting

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the specific request signal at least once as the response signal for requesting the exclusive transmission right (Sections 0009 lines 8 – 12, 0062, the user that has control of the floor during the group call can talk about a myriad of subjects to the other members of the group, which renders a scenario wherein the user can ask the opinions of the other group members or ask the other group members to vote on a particular subject or issue thus effectively surveying said group members, in order for said group members to respond with their opinions or votes said members will need to request control of the floor).

Brems does not teach determining, with the one communications device authorized to transmit, a time response window for the survey of the participant communications devices, within which time response window the respective participant communications device is enabled to provide a respective response signal to the survey by transmitting the specific request signal at least once as the response signal for requesting the exclusive transmission right.

Heinonen, which also teaches the surveying of mobile users, teaches determining a time response window for the survey of the participant communication devices, within which time response window the respective participant communications device is enabled to provide a respective response signal to the survey (Cols. 6 lines 54 - 67, 7 lines 1 - 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Brems with the above concept of

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Heinonen for the purpose of enabling the surveyor to get responses in a prompt fashion as taught by Heinonen.

Regarding Claim 19, Brems teaches a method for carrying out a survey of a plurality of participant communications devices, which comprises: receiving a specific request signal for an exclusive transmission right from one communications device of the plurality of participant communications devices; assigning the one communications device an exclusive transmission right to transmit a useful message during a given authorization period (Sections 0009 lines 8 - 12, 0062, it is well established in the PTT art that in order to gain access to the floor there needs to be a request to gain access to the floor, when said request and access is granted the device that has control of the floor has the exclusive right to transmit and the other devices in the group are in listen mode, the user that has control of the floor during the group call can talk about a myriad of subjects to the other members of the group, which renders a scenario wherein the user can ask the opinions of the other group members or ask the other group members to vote on a particular subject or issue thus effectively surveying said group members); assigning the remaining participant communications devices only a reception right to receive a useful message during the given authorization period (Sections 0009 lines 8 - 12, 0062, it is well established in the PTT art that in order to gain access to the floor there needs to be a request to gain access to the floor, when said request and access is granted the device that has control of the floor has the exclusive right to transmit and the other devices in the group are in listen mode); enabling a respective participant communications device to provide a response signal

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to the survey by transmitting the specific request signal at least once as the response signal for requesting the exclusive transmission right (Sections 0009 lines 8 – 12, 0062, the user that has control of the floor during the group call can talk about a myriad of subjects to the other members of the group, which renders a scenario wherein the user can ask the opinions of the other group members or ask the other group members to vote on a particular subject or issue thus effectively surveying said group members, in order for said group members to respond with their opinions or votes said members will need to request control of the floor).

Brems does not teach defining, with the one communications device, a time response window for receiving response signals from the participant communications devices; and enabling a respective participant communications device to provide a response signal to the survey by transmitting the specific request signal at least once as the response signal for requesting the exclusive transmission right.

Heinonen, which also teaches the surveying of mobile users, teaches defining, with the one communications device, a time response window for receiving response signals from the participant communications devices; and enabling a respective participant communications device to provide a response signal to the survey (Cols. 6 lines 54 - 67, 7 lines 1 - 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Brems with the above concept of Heinonen for the purpose of enabling the surveyor to get responses in a prompt fashion as taught by Heinonen.



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Regarding Claim 20, Brems teaches a communications device with authorization to transmit for carrying out a survey of a plurality of participant communications devices, comprising: a reception unit for receiving an exclusive transmission right to transmit at least one useful message during an authorization period, on the basis of a specific request signal thereof (Sections 0009 lines 8 - 12, 0062, it is well established in the PTT art that in order to gain access to the floor there needs to be a request to gain access to the floor, when said request and access is granted the device that has control of the floor has the exclusive right to transmit and the other devices in the group are in listen mode, the user that has control of the floor during the group call can talk about a myriad of subjects to the other members of the group, which renders a scenario wherein the user can ask the opinions of the other group members or ask the other group members to vote on a particular subject or issue thus effectively surveying said group members), while other participant communications devices can only be assigned a reception right to receive at least one useful message (Sections 0009 lines 8 - 12, 0062, it is well established in the PTT art that in order to gain access to the floor there needs to be a request to gain access to the floor, when said request and access is granted the device that has control of the floor has the exclusive right to transmit and the other devices in the group are in listen mode); provide a respective response signal to the survey by transmitting, at least once, a specific request signal associated with the communications device for requesting the exclusive transmission right as the response signal; and a transmission unit configured to transmit the response signal by sending, at least once, the specific request signal requesting an exclusive transmission

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right (Sections 0009 lines 8 – 12, 0062, the user that has control of the floor during the group call can talk about a myriad of subjects to the other members of the group, which renders a scenario wherein the user can ask the opinions of the other group members or ask the other group members to vote on a particular subject or issue thus effectively surveying said group members, in order for said group members to respond with their opinions or votes said members will need to request control of the floor).

Brems does not teach a processing unit connected to said reception unit for determining a time window during which each communications device participating in the survey is enabled to provide a respective response signal to the survey by transmitting, at least once, a specific request signal associated with the communications device for requesting the exclusive transmission right as the response signal; and a transmission unit configured to transmit the response signal by sending, at least once, the specific request signal requesting an exclusive transmission right.

Heinonen, which also teaches the surveying of mobile users, teaches a processing unit connected to said reception unit for determining a time window during which each communications device participating in the survey is enabled to provide a respective response signal to the survey (Cols. 6 lines 54 - 67, 7 lines 1 - 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Brems with the above concept of Heinonen for the purpose of enabling the surveyor to get responses in a prompt fashion as taught by Heinonen.

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Regarding Claim 12, Brems in view of Heinonen teaches all of the claimed limitations recited in Claim 11. Brems does not teach wherein the respective communications device is a device selected from the group consisting of a mobile communications device according to the UMTS standard or the GSM standard, a landline device according to the ISDN standard, and a computer unit connected to the Internet and/or an intranet.

Heinonen, which also teaches wireless devices that respond to surveys, teaches a mobile communication device according to the GSM standard (Col. 5 lines 47 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile devices of Brems with the above GSM feature of Heinonen for the purpose of providing a more versatile mobile device that can operate in interconnect mode or push-to-talk mode.

Regarding Claim 13, Brems in view of Heinonen teaches all of the claimed limitations recited in Claim 11. Brems further teaches triggering the request signal for requesting the exclusive transmission right to transmit the useful message by actuation of a key on the communications device (Section 0062).

Regarding Claim 14, Brems in view of Heinonen teaches all of the claimed limitations recited in Claim 11. Brems further teaches generating the response signal by actuating a respective key on the respective communications device (Section 0062) Heinonen further teaches responding during the time response window (Cols. 6 lines 54 - 67, 7 lines 1 - 3).

Regarding Claim 15, Brems in view of Heinonen teaches all of the claimed limitations recited in Claim 11. Heinonen further teaches evaluating the respective response signal with an evaluation unit during the time response window (Col. 7 lines 9 – 13, the response signals are analyzed, the data system is the evaluation unit).

Regarding Claim 16, Brems in view of Heinonen teaches all of the claimed limitations recited in Claim 11. Brems does not teach wherein the evaluation unit is integrated in the communications device having authorization to transmit.

Heinonen, which also teaches wireless devices that respond to surveys, teaches wherein the evaluation unit is integrated in the communications device that transmits the survey (Col. 7 lines 9 – 13, the response signals are analyzed, the data system is the evaluation unit, which is a part of the communication unit).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mobile device of Brems with the data system of Heinonen for the purpose of analyzing the opinion poll or survey such that statistics can be created as taught by Heinonen.

Regarding Claim 17, Brems in view of Heinonen teaches all of the claimed limitations recited in Claim 11. Heinonen further teaches overwriting the response signal, provided by a communications device, with a following further response signal within the time response window (Col. 6 lines 54 – 67, this renders a scenario wherein the user changes his or her response from the previous response, for example, from "yes" to "no", the "no" response effectively overwrites the "yes" response).

Regarding Claim 18, Brems in view of Heinonen teaches all of the claimed limitations recited in Claim 11. Brems further teaches selectively limiting or expanding a control and/or request function of the communications devices participating in the survey during the survey (Section 0062, only one member at a time will be able to respond thus only one member will have control of the floor, this effectively limits the floor control capability of the other members that are trying to gain control of an already controlled floor).

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/  
Examiner, Art Unit 2618  
Raymond S. Dean  
March 3, 2010